

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5545

AN ORDINANCE authorizing and providing for the acquisition of interest in land for the purpose of improving 150th Avenue SE from SE 38th Street to SE Newport Way as part of CIP Plan No. PW-R-105, 150th Avenue SE Improvements, Phase 1, within the City of Bellevue, providing for condemnation, appropriation, taking and damaging of land and property rights necessary therefore; providing for the cost thereof and directing the initiation of appropriate proceedings in the manner provided by law for said condemnation.

WHEREAS, on December 9, 2002, the City Council adopted the 2003-2009 CIP, which included CIP Plan No. PW-R-105, 150th Avenue SE Improvements; and

WHEREAS, the City Council has found that the public health, safety, necessity and convenience demand that Phase 1 of said project be undertaken at this time and that in order to carry out the project it is necessary at this time for the City to acquire interests and rights to the properties described herein; and

WHEREAS, the City Council finds and declares it necessary and in the best interest of the public that interests in the land and property rights hereinafter described be condemned, appropriated, taken and damaged for public use, subject to the making or paying of just compensation to the owners thereof in the manner provided by law; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The land and property rights within the City of Bellevue, King County, Washington, described in the attached Exhibit "A", necessary for public road purposes, subject to making or paying just compensation to the owners thereof in the manner provided by law.

Section 2. The cost and expense of acquiring said property rights shall be paid for from the Capital Investment Plan, or from other monies the City may have available or may obtain therefore. The Director of the Transportation Department or his designee is hereby authorized to negotiate with and make offers to the owners of said land or property for the purposes of making or paying just compensation, and to approve the payment of just compensation as negotiated with said owners or as ordered by the Court.

ORIGINAL

Section 3. The City Attorney is hereby authorized and directed to undertake proceedings provided by law to condemn, appropriate, take and damage the land and property necessary to carry out the provisions of this ordinance. The City Attorney is further authorized to approve and enter into any and all such agreements, stipulations, and orders necessary to carry out the provisions of this ordinance, including for the payment of just compensation as agreed to with the property owners, or as ordered by the Court.

Section 4. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 7th day of September, 2004, and signed in authentication of its passage this 7th day of September, 2004.

(SEAL)

Connie B. Marshall
Connie B. Marshall, Mayor

Approved as to form:

Bellevue City Attorney

Lori M. Riordan
Lori M. Riordan, Acting City Attorney

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk

Published September 10, 2004

Parcel 4784
Permanent Sidewalk Easement

the East 2.00 feet of the North 45.00 feet of Lot 6, Block 2 EASTGATE ADDITION, DIVISION A, according to the plat thereof recorded in Volume 51, pages 84-85, in King County, Washington.

TOGETHER WITH that portion of Lot 1, Block 2, EASTGATE ADDITION, DIVISION A, according to the plat thereof recorded in Volume 51, pages 84-85, in King County, Washington, described as follows:

Beginning at the Southeast corner of Lot 1 as located and shown on the Proposed Right of Way Plans of 150th Avenue S.E., dated April 2003, on file with the City of Bellevue Survey Section;

Thence along the south line thereof North 86°16'17" West 2.00 feet;

Thence leaving said south line northeasterly along a curve being 2.00 feet westerly of, as measured radially to, the east line of Lot 1, of which the center bears North 83°09'53" West 1867.86 feet, through a central angle of 2°54'06", subtended by an arc length of 94.60 feet;

Thence North 51°39'24" West 49.15 feet to the North line of Lot 1;

Thence along said North line South 85°48'25" East 22.24 feet;

Thence South 47°09'45" East 26.05 feet to the east line of Lot 1;

Thence along said east line and southwesterly with a curve of which the center bears North 86°24'47" West 1869.86 feet, through a central angle of 3°14'42", subtended by an arc length of 105.90 feet to the **Point of Beginning**, and there ending, all in King County, Washington.

Containing 858 square feet.

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220050-0080

Parcel 4784
Permanent Slope Easement

The West 7.00 feet of the East 9.00 feet of the North 45.00 feet of Lot 6, Block 2 EASTGATE ADDITION, DIVISION A, according to the plat thereof recorded in Volume 51, pages 84-85, in King County, Washington.

TOGETHER WITH that portion of Lot 1, Block 2, EASTGATE ADDITION, DIVISION A, according to the plat thereof recorded in Volume 51, pages 84-85, in King County, Washington, described as follows:

Commencing at the Southeast corner of Lot 1 as located and shown on the Proposed Right of Way Plans of 150th Avenue S.E., dated April 2003, on file with the City of Bellevue Survey Section;

Thence along the south line thereof North 86°16'17" West 2.00 feet to the **Point of Beginning**;

Thence continuing along said south line North 86°16'17" West 7.01 feet to a point being 9.00 feet westerly of, as measured radially to, the east line of Lot 1;

Thence leaving said south line northeasterly along a curve concentric with said east line, of which the center bears North 83°09'11" West 1860.86 feet, through a central angle of 2°52'27", subtended by an arc length of 93.35 feet;

Thence North 51°39'24" West 51.47 feet to the North line of Lot 1;

Thence along said North line South 85°48'25" East 8.91 feet;

Thence leaving said north line South 51°39'24" East 49.15 feet to a point being 2.00 feet westerly of, as measured radially to, the east line of Lot 1;

Thence southwesterly along a curve concentric with said east line, of which the center bears North 86°03'59" West 1867.86 feet, through a central angle of 2°54'06", subtended by an arc length of 94.60 feet to the **Point of Beginning**, and there ending, all in King County, Washington.

Containing 1,225 square feet.

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220050-0080

Parcel 4784
Permanent Wall Easement

The West 3.00 feet of the East 5.00 of Lot 6, Block 2 EASTGATE ADDITION, DIVISION A, according to the plat thereof recorded in Volume 51, pages 84-85, in King County, Washington.

SAVE AND EXCEPT the North 45.00 of said Lot 6, Block 2.

Containing 196 square feet.

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220050-0080

Parcel 4784
Temporary Construction Easement

The West 9.00 feet of the East 14.00 of Lot 6, Block 2 EASTGATE ADDITION, DIVISION A, according to the plat thereof recorded in Volume 51, pages 84-85, in King County, Washington.

SAVE AND EXCEPT the North 45.00 of said Lot 6, Block 2.

Containing 594 square feet.

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220050-0080

Parcel 4785
Temporary Construction Easement

The West 3.00 feet of the East 13.00 of Lot 7 and Lot 8, Block 2 EASTGATE ADDITION, DIVISION A, according to the plat thereof recorded in Volume 51, pages 84-85, in King County, Washington.

Containing 665 square feet.

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220050-0140

Parcel 4813
Permanent Wall Easement

The West 1.00 feet of Lot 27, Block 1 EASTGATE ADDITION, DIVISION B, according to the plat thereof recorded in Volume 52, pages 13-18, in King County, Washington.

SAVE AND EXCEPT the North 40.00 feet of said Lot 27.

Containing 42 square feet.

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Parcel 4813
Temporary Construction Easement

The West 13.00 feet of Lot 27, Block 1 EASTGATE ADDITION, DIVISION B, according to the plat thereof recorded in Volume 52, pages 13-18, in King County, Washington.

SAVE AND EXCEPT the West 1.00 feet, less the North 40.00 feet of said Lot 27

Containing 1,025 square feet.

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220150-0135

Parcel 4816
Temporary Construction Easement

The West 8.00 feet of Lot 23, together with the West 8.00 feet of the North half of Lot 24, Block 1 EASTGATE ADDITION, DIVISION B, according to the plat thereof recorded in Volume 52, pages 13-18, in King County, Washington.

Containing 1,083 square feet.

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Parcel 4817
Temporary Construction Easement

The West 8.00 feet of Lot 22, Block 1 EASTGATE ADDITION, DIVISION B, according to the plat thereof recorded in Volume 52, pages 13-18, in King County, Washington.

Containing 708 square feet.

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Parcel 4818
Temporary Construction Easement

The West 8.00 feet of Lot 21, Block 1 EASTGATE ADDITION, DIVISION B, according to the plat thereof recorded in Volume 52, pages 13-18, in King County, Washington.

Containing 908 square feet.

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Parcel 4819
Temporary Construction Easement

The West 14.00 feet of Lot 20, Block 1 EASTGATE ADDITION, DIVISION B, according to the plat thereof recorded in Volume 52, pages 13-18, in King County, Washington.

Containing 322 square feet.

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Parcel 4820
Permanent Sidewalk Easement

That portion of Lot 1, Block 1 EASTGATE ADDITION, DIVISION B, according to the plat thereof recorded in Volume 52, pages 13-18, in King County, Washington, described as follows:

Commencing at the Northeast corner of Lot 1 as located and shown on the Proposed Right of Way Plans of 150th Avenue S.E., dated April 2003, on file with the City of Bellevue Survey Section;

Thence along the north line thereof southwesterly with a curve of which the center bears North 26°22'05" West 301.48 feet, through a central angle of 26°24'30", subtended by an arc length of 138.96 feet to a point of tangency;

Thence North 89°57'34" West 73.08 feet to the **Point of Beginning**;

Thence leaving said north line South 41°48'34" West 30.36 feet to the west line of Lot 1;

Thence along said west line northeasterly with a curve of which the center bears North 85°59'23" West 1949.86 feet, through a central angle of 0°07'03", subtended by an arc length of 4.00 feet to a point of reverse curvature of a 20.00 feet radius curve to the right;

Thence northeasterly along said curve, through a central angle of 86°08'52", subtended by an arc length of 30.07 feet to the **Point of Beginning**, and there ending, all in King County, Washington.

Containing 138 square feet.

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220150-0005

Parcel 4820
Permanent Wall Easement

That portion of Lot 1, Block 1 EASTGATE ADDITION, DIVISION B, according to the plat thereof recorded in Volume 52, pages 13-18, in King County, Washington, described as follows:

Commencing at the Southwest corner of Lot 1 as located and shown on the Proposed Right of Way Plans of 150th Avenue S.E., dated April 2003, on file with the City of Bellevue Survey Section;

Thence along the west line thereof northeasterly with a curve of which the center bears North 75°16'27" West 1949.86 feet, through a central angle of 1°39'03", subtended by an arc length of 56.18 feet to the **Point of Beginning**;

Thence continuing along said west line and northeasterly with said curve of which the center bears North 76°55'30" West 1949.86 feet, through a central angle of 4°30'00", subtended by an arc length of 153.14 feet;

Thence leaving said west line radially South 81°25'30" East 2.00 feet;

Thence concentric with said west line southwesterly with a curve of which the center bears North 81°25'30" West 1951.86 feet, through a central angle of 4°30'00", subtended by an arc length of 153.30 feet;

Thence radially North 76°55'30" West 2.00 feet to the **Point of Beginning**, and there ending, all in King County, Washington.

Containing 306 square feet.

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220150-0005

Parcel 4820
Permanent Slope Easement

That portion of Lot 1, Block 1 EASTGATE ADDITION, DIVISION B, according to the plat thereof recorded in Volume 2, pages 13-18, in King County, Washington, described as follows:

Commencing at the Northeast corner of Lot 1 as located and shown on the Proposed Right of Way Plans of 150th Avenue S.E., dated April 2003, on file with the City of Bellevue Survey Section;

Thence along the north line thereof southwesterly with a curve of which the center bears North 26°22'05" West 301.48 feet, through a central angle of 26°24'30", subtended by an arc length of 138.96 feet to a point of tangency;

Thence North 89°57'34" West 66.38 feet to the **Point of Beginning**;

Thence leaving said north line South 41°48'34" West 38.03 feet to a point being 2.00 feet easterly of, as measured radially to, the west line of Lot 1;

Thence concentric with said west line southwesterly with a curve of which the center bears North 85°49'32" West 1951.86 feet, through a central angle of 1°24'02", subtended by an arc length of 47.71 feet;

Thence radially North 84°25'30" West 2.00 feet to the west line of Lot 1;

Thence along said west line northeasterly with a curve of which the center bears North 84°25'30" West 1949.86 feet, through a central angle of 1°33'53", subtended by an arc length of 53.25 feet;

Thence leaving said west line North 41°48'34" East 30.36 feet to the north line of Lot 1;

Thence along said north line South 89°57'34" East 6.70 feet to the **Point of Beginning**, and there ending, all in King County, Washington.

Containing 272 square feet.

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220150-0005

Parcel 4820
Permanent Storm Easement

That portion of Lot 1 and Lot 2, Block 1 EASTGATE ADDITION, DIVISION B, according to the plat thereof recorded in Volume 52, pages 13-18, in King County, Washington, described as follows:

Beginning at the Northwest corner of Lot 2 as located and shown on the Proposed Right of Way Plans of 150th Avenue S.E., dated April 2003, on file with the City of Bellevue Survey Section;

Thence along the north line thereof northeasterly with a curve of which the center bears North 26°22'05" West 301.48 feet, through a central angle of 9°15'46", subtended by an arc length of 48.74 feet to a point of reverse curvature of a 221.48 feet radius curve to the right;

Thence northeasterly along said curve, through a central angle of 26°31'08", subtended by an arc length of 102.51 feet;

Thence leaving said north line South 25°16'34" East 53.96 feet;

Thence perpendicular South 64°43'26" West 148.88 feet;

Thence radially to the north line of Lot 1 North 26°22'05" West 54.27 feet to the **Point of Beginning**, and there ending, all in King County, Washington.

Containing 8,824 square feet.

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220150-0005

Parcel 4820
Temporary Construction Easement

That portion of Lot 1 and Lot 2, Block 1 EASTGATE ADDITION, DIVISION B, according to the plat thereof recorded in Volume 52, pages 13-18, in King County, Washington, described as follows:

Beginning at the Northeast corner of Lot 1 as located and shown on the Proposed Right of Way Plans of 150th Avenue S.E., dated April 2003, on file with the City of Bellevue Survey Section;

Thence leaving said north line radially South 26°22'05" East 54.27 feet;

Thence North 64°43'26" East 148.88 feet;

Thence perpendicular North 25°16'34" West 53.96 feet to the north line of Lot 2;

Thence along said north line northeasterly with a curve of which the center bears South 9°06'17" East 221.48 feet, through a central angle of 5°28'16", subtended by an arc length of 21.15 feet;

Thence leaving said north line South 25°16'34" East 67.11 feet;

Thence perpendicular South 64°43'26" West 190.68 feet to a point being 30.00 feet westerly of, as measured at right angles to, the easterly line of Lot 1;

Thence parallel with said easterly line North 32°32'33" West 75.83 feet to the north line of Lot 1;

Thence along said north line northeasterly with a curve of which the center bears North 20°35'31" West 301.48 feet, through a central angle of 5°46'34", subtended by an arc length of 30.39 feet to the **Point of Beginning**, and there ending, all in King County, Washington.

Containing 6,341 square feet.

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220150-0005

Parcel 4820
Temporary Construction Easement

That portion of Lot 1, Block 1 EASTGATE ADDITION, DIVISION B, according to the plat thereof recorded in Volume 52, pages 13-18, in King County, Washington, described as follows:

Beginning at the Southwest corner of Lot 1 as located and shown on the Proposed Right of Way Plans of 150th Avenue S.E., dated April 2003, on file with the City of Bellevue Survey Section;

Thence along the west line thereof northeasterly with a curve of which the center bears North 75°16'27" West 1949.86 feet, through a central angle of 1°39'03", subtended by an arc length of 56.18 feet;

Thence leaving said west line radially South 76°55'30" East 2.00 feet;

Thence concentric with said west line northeasterly with a curve of which the center bears North 76°55'30" West 1951.86 feet, through a central angle of 4°30'00", subtended by an arc length of 153.30 feet;

Thence radially South 81°25'30" East 12.00 feet;

Thence concentric with said west line northeasterly with a curve of which the center bears North 81°25'30" West 1963.86 feet, through a central angle of 5°39'43", subtended by an arc length of 194.07 feet to the southerly line of Lot 1;

Thence along said south line South 54°26'44" West 21.80 feet to the **Point of Beginning**, and there ending, all in King County, Washington.

Containing 2,517 square feet.

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220150-0005

Parcel 4821
Fee Right of Way

That portion of Tract A, EASTGATE ADDITION, DIVISION B, according to the plat thereof recorded in Volume 52, pages 13-18, in King County, Washington, described as follows:

Commencing at Engineer's Station 150th N.B. 0+00 as shown on Washington State Highway Department Map 5 of 13 Sheets dated June 12, 1969 and titled "Right of Way And Limited Access Plan, SR 90, Richards Road To Lake Sammamish" on file in the Office of the Director of Highways at Olympia, Washington;

Thence along said 150th N.B. Line North 0°00'56" East 61.00 feet to Engineer's Station 0+61;

Thence perpendicular South 89°59'04" East 23.00 feet to the east margin of 150th Avenue Southeast, as located and shown on the Proposed Right of Way Plans of 150th Avenue S.E., dated April 2003, on file with the City of Bellevue Survey Section;

Thence along said margin and parallel with the 150th N.B. Line, North 0°00'56" East 169.23 feet to the **Point of Beginning**;

Thence continuing North 0°00'56" East 85.08 feet;

Thence leaving said margin North 89°30'00" East 9.95 feet;

Thence South 1°19'30" West 85.37 feet;

Thence North 88°40'30" West 8.00 feet to the **Point of Beginning**, and there ending, all in King County, Washington.

Containing 765 square feet.

02070row.doc
220150-1405

Parcel 4821
Permanent Sidewalk Easement

That portion of Tract A, EASTGATE ADDITION, DIVISION B, according to the plat thereof recorded in Volume 52, pages 13-18, in King County, Washington, described as follows:

Commencing at Engineer's Station 150th N.B. 0+00 as shown on Washington State Highway Department Map 5 of 13 Sheets dated June 12, 1969 and titled "Right of Way And Limited Access Plan, SR 90, Richards Road To Lake Sammamish" on file in the Office of the Director of Highways at Olympia, Washington;

Thence along said 150th N.B. Line North 0°00'56" East 61.00 feet to Engineer's Station 0+61;

Thence perpendicular South 89°59'04" East 23.00 feet to the east margin of 150th Avenue Southeast, as located and shown on the Proposed Right of Way Plans of 150th Avenue S.E., dated April 2003, on file with the City of Bellevue Survey Section;

Thence along said margin and parallel with the 150th N.B. Line, North 0°00'56" East 99.74 feet to the **Point of Beginning**;

Thence continuing North 0°00'56" East 69.49 feet;

Thence leaving said margin North 89°30'00" East 8.00 feet;

Thence South 1°19'30" West 36.83 feet;

Thence South 12°26'14" West 33.26 feet to the **Point of Beginning**, and there ending, all in King County, Washington.

Containing 396 square feet.

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220150-1405

Parcel 4821
Permanent Sidewalk Easement

That portion of Tract A, EASTGATE ADDITION, DIVISION B, according to the plat thereof recorded in Volume 52, pages 13-18, in King County, Washington, described as follows:

Commencing at Engineer's Station 150th N.B. 0+00 as shown on Washington State Highway Department Map 5 of 13 Sheets dated June 12, 1969 and titled "Right of Way And Limited Access Plan, SR 90, Richards Road To Lake Sammamish" on file in the Office of the Director of Highways at Olympia, Washington;

Thence along said 150th N.B. Line North 0°00'56" East 61.00 feet to Engineer's Station 0+61;

Thence perpendicular South 89°59'04" East 23.00 feet to the east margin of 150th Avenue Southeast, as located and shown on the Proposed Right of Way Plans of 150th Avenue S.E., dated April 2003, on file with the City of Bellevue Survey Section, and the **Point of Beginning**;

Thence along said margin and parallel with the 150th N.B. Line, North 0°00'56" East 13.63 feet;

Thence leaving said margin South 27°28'56" East 37.43 feet to the south line of Tract A;

Thence along said south line North 89°57'34" West 5.00 feet;

Thence North 32°05'34" West 23.10 feet to the **Point of Beginning**, and there ending, all in King County, Washington.

Containing 167 square feet.

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220150-1405

Parcel 4821
Temporary Construction Easement

That portion of Tract A, EASTGATE ADDITION, DIVISION B, according to the plat thereof recorded in Volume 52, pages 13-18, in King County, Washington, described as follows:

Commencing at Engineer's Station 150th N.B. 0+00 as shown on Washington State Highway Department Map 5 of 13 Sheets dated June 12, 1969 and titled "Right of Way And Limited Access Plan, SR 90, Richards Road To Lake Sammamish" on file in the Office of the Director of Highways at Olympia, Washington;

Thence along said 150th N.B. Line North 0°00'56" East 61.00 feet to Engineer's Station 0+61;

Thence perpendicular South 89°59'04" East 23.00 feet to the east margin of 150th Avenue Southeast, as located and shown on the Proposed Right of Way Plans of 150th Avenue S.E., dated April 2003, on file with the City of Bellevue Survey Section;

Thence along said margin and parallel with the 150th N.B. Line, North 0°00'56" East 99.74 feet to the **Point of Beginning**;

Thence leaving said margin North 12°26'14" East 33.26 feet;

Thence North 1°19'30" East 122.20 feet;

Thence North 89°30'00" East 5.00 feet;

Thence South 1°19'30" West 122.85 feet;

Thence South 12°26'14" West 32.65 feet;

Thence North 89°59'04" West 5.12 feet to the **Point of Beginning**, and there ending, all in King County, Washington.

Containing 777 square feet.

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220150-1405

Parcel 4822
Fee Right of Way

That portion of Tract A, EASTGATE ADDITION, DIVISION B, according to the plat thereof recorded in Volume 52, pages 13-18, in King County, Washington, described as follows:

Commencing at Engineer's Station 150th N.B. 0+00 as shown on Washington State Highway Department Map 5 of 13 Sheets dated June 12, 1969 and titled "Right of Way And Limited Access Plan, SR 90, Richards Road To Lake Sammamish" on file in the Office of the Director of Highways at Olympia, Washington;

Thence along said 150th N.B. Line North 0°00'56" East 61.00 feet to Engineer's Station 0+61;

Thence perpendicular South 89°59'04" East 23.00 feet to the east margin of 150th Avenue Southeast, as located and shown on the Proposed Right of Way Plans of 150th Avenue S.E., dated April 2003, on file with the City of Bellevue Survey Section;

Thence along said margin and parallel with the 150th N.B. Line, North 0°00'56" East 254.30 feet to the **Point of Beginning**;

Thence continuing North 0°00'56" East 84.70 feet to Engineer's Station 4+00, being an angle point in said margin;

Thence along said margin North 59°40'52 East 12.95 feet to a point being 34.18 feet easterly of, as measured at right angles to, the 150th N.B. Line;

Thence leaving said margin and parallel with the 150th N.B. Line South 0°00'56" West 37.29 feet to an angle point;

Thence South 1°19'30" West 53.88 feet;

Thence South 89°30'00" West 9.95 feet to the **Point of Beginning**, and there ending, all in King County, Washington.

Containing 950 square feet.

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220150-1403

Parcel 4822
Temporary Construction Easement

That portion of Tract A, EASTGATE ADDITION, DIVISION B, according to the plat thereof recorded in Volume 52, pages 13-18, in King County, Washington, described as follows:

Commencing at Engineer's Station 150th N.B. 0+00 as shown on Washington State Highway Department Map 5 of 13 Sheets dated June 12, 1969 and titled "Right of Way And Limited Access Plan, SR 90, Richards Road To Lake Sammamish" on file in the Office of the Director of Highways at Olympia, Washington;

Thence along said 150th N.B. Line North 0°00'56" East 61.00 feet to Engineer's Station 0+61;

Thence perpendicular South 89°59'04" East 23.00 feet to the east margin of 150th Avenue Southeast, as located and shown on the Proposed Right of Way Plans of 150th Avenue S.E., dated April 2003, on file with the City of Bellevue Survey Section;

Thence along said margin and parallel with the 150th N.B. Line, North 0°00'56" East 254.30 feet;

Thence leaving said east margin North 89°30'00" East 9.95 feet to the **Point of Beginning**;

Thence North 1°19'30" East 53.88 feet to a point being 34.18 feet easterly of, as measured at right angles to, 150th N.B. Line;

Thence parallel with the 150th N.B. Line North 0°00'56" East 37.29 feet;

Thence North 59°40'52. East 5.79 feet to a point being 39.18 feet easterly of, as measured at right angles to, 150th N.B. Line;

Thence parallel with the 150th N.B. Line South 0°00'56" West 40.27 feet to an angle point;

Thence South 1°19'30" West 53.78 feet;

Thence South 89°30'00" West 5.00 feet t to the **Point of Beginning**, and there ending, all in King County, Washington.

Containing 463 square feet.

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